

Education and Cultural Affairs

**PUBLIC 531 An Act To Authorize Certain School Children To Carry
Emergency Medication on Their Persons**

LD 1768

<u>Sponsor(s)</u> BARSTOW DOUGLASS	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-674
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Public Law 2003, chapter 531 requires public schools and private schools approved for attendance purposes by the Department of Education to adopt a written local policy allowing students to possess and self-administer asthma inhalers and epinephrine pens in the school. The written local policy must include the following requirements:

1. That the school receives written approval from the student's parent or guardian and the student's primary health care provider before the school authorizes the student to self-administer an asthma inhaler or an epinephrine pen;
2. That the student's parent or guardian provides written verification from the primary health care provider confirming that the student has the knowledge and the skills to safely possess and use an asthma inhaler or an epinephrine pen in a school; and
3. That the school nurse evaluate the student's technique to ensure proper and effective use of an asthma inhaler or an epinephrine pen in school.

PUBLIC 533 An Act Regarding Habitual Truants

LD 1082

<u>Sponsor(s)</u> CLOUGH	<u>Committee Report</u> OTP-AM MAJ OTP MIN	<u>Amendments Adopted</u> H-634 H-678 CUMMINGS
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Public Law 2003, chapter 533 amends the habitual truancy laws to redefine the roles and responsibilities of school superintendents and school boards in dealing with students who are truant and who are determined to be habitual truants. This law accomplishes the following changes to the habitual truancy statutes:

1. It designates the superintendent or the superintendent's designee as the school official with responsibility for attempting to correct the truancy problem; and it requires that the superintendent or the superintendent's designee shall make informal efforts to correct the truancy problem, including meeting with the student and the student's parents to identify possible causes of the habitual truancy and developing a plan to implement solutions to the problem, together with a range of interventions;
2. It requires school administrators to arrange meeting times that are mutually convenient for the parent and for school personnel; and it also permits school administrators to implement a plan to address the student's habitual truancy if the student or student's parents fail to appear at scheduled meetings;

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3. In attempting to correct the truancy problem informally, it also requires that the student join the student's parents in attending one or more meetings with the student's teacher and school administrators to reinforce the plan developed to correct the truancy or to develop an alternative plan; and it allows school administrators to involve case managers, therapeutic treatment providers and representatives of the Department of Human Services, the Department of Behavioral and Developmental Services and the Department of Corrections to participate in the meeting or meetings scheduled to develop or reinforce a plan to implement solutions to the truancy problem;
4. In the event that informal efforts to correct the truancy fail, it requires that the superintendent or the superintendent's designee serve a written notice to the student's parent in hand or by registered mail and further requires that this notice include an outline of the plan developed to address the student's habitual truancy and the steps that have been taken to implement the plan to correct the truancy;
5. It clarifies that the superintendent or the superintendent's designee shall report the facts of a truant child's unlawful absence from school to the school board and the local law enforcement department;
6. It clarifies that the superintendent or the superintendent's designee shall report a truant student to the local law enforcement department after 3 school days after the written notice has been served to the student's parent and the student remains in noncompliance with the compulsory attendance laws; and
7. It establishes that a parent who has control of a child and is primarily responsible for that child may be adjudicated for failing to comply with the habitual truancy laws and may be subject to a civil violation and to a fine of at least \$25.

Note: Public Law 2003, chapter 688, part H, which enacted LD 1916, (An Act to Make Additional Corrections of Errors and Inconsistencies in the Laws of Maine), corrects Public Law 2003, chapter 533 by repealing a cross-reference to a repealed section of law that was inadvertently not addressed in the committee amendment and which resulted in a conflict and inconsistent provision in the compulsory attendance provisions of the education statutes. The compulsory attendance provision that contains this cross-reference relates to the authority of a school board to provide a waiver to a student who has been determined to be a habitual truant and who is 15 years of age or older. Public Law 2003, chapter 688, part H, repeals that cross-reference and removes the conflict and inconsistent compulsory attendance provision.

Public Law 2003 chapter 688, part H, was enacted as an emergency measure effective May 7, 2004.

PUBLIC 545 An Act To Rename the Former Vocational-technical Secondary LD 1649
Education Schools, Now Called Applied Technology Centers and
Regions, Career and Technical Education Centers and Regions

<u>Sponsor(s)</u> LEDWIN MITCHELL	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-685
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Public Law 2003, chapter 545 changes the words "applied technology" to "career and technical" throughout the Maine Revised Statutes.

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PUBLIC 617 An Act To Facilitate Summer Employment for Youths

LD 1946

Sponsor(s)
MCGOWAN

Committee Report

Amendments Adopted
H-826 CUMMINGS

Public Law 2003, chapter 617 requires school administrative units to develop and approve plans for a regional school calendar by September 2005. The law also directs the Commissioner of Education to develop major substantive rules to implement these regional school calendars for sending schools and career and technical education programs in the State.

**PUBLIC 676 An Act Regarding the Continued Provision of Free and
Appropriate Public Education for Eligible Children of
Kindergarten Age**

LD 1960

Sponsor(s)

Committee Report
OTP

Amendments Adopted

Public Law 2003, chapter 676 amends applicable statutes and instructs the Department of Human Services and the Department of Education to amend rules to clarify that a child who is already receiving free, appropriate public education services through the Child Development Services System and who reaches 5 years of age between September 1st and October 15th continues to be eligible for those services should the child's parents decide not to enroll the child in kindergarten until the child reaches 6 years of age. Specifically, the law accomplishes the following:

1. It amends provisions regarding exceptional students and preschool handicapped children to establish the eligibility of a child who is already receiving free, appropriate public education services through the Child Development Services System and who reaches 5 years of age between September 1st and October 15th to continue to receive such services when the child's parent chooses, in accordance with rules adopted by the Commissioner of Education, not to enroll the child in kindergarten until the start of the following school year;
2. It directs the Department of Education and the Department of Human Services to adopt emergency rules and to adopt major substantive rules to implement this Act and requires that provisionally adopted rules be presented for legislative review during the First Regular Session of the 122nd Legislature. It also provides that the emergency rules be effective until the Legislature has completed review of those rules; and
3. It directs the Commissioner of Education to determine the adjustment to the statewide adjustment factor necessary for the amount of state funds that are deappropriated from the General Purpose Aid for Local Schools account in fiscal year 2005-05 to reflect the savings attributable to the delayed entry of eligible 5-year-olds into kindergarten for the 2004-05 school year, and further requires the commissioner to develop and present a plan by December 31, 2004 to ensure greater equity of education opportunities and

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efficiency in the use of state and federal resources for early childhood education and preschool handicapped programs beginning no later than fiscal year 2005-06. The commissioner shall present this plan to the joint standing committee of the Legislature having jurisdiction over education and cultural affairs, and the joint standing committee may introduce legislation regarding this matter during the first regular session of the 122nd Legislature.

PUBLIC 708 An Act To Implement the Recommendations of the Legislative LD 1917
Youth Advisory Council

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM	H-856 S-599 CATHCART

Public Law 2003, chapter 708 implements the recommendations of the Legislative Youth Advisory Council. The law accomplishes the following:

1. It allows for the continued provision of state support for state wards who are still enrolled in postsecondary education programs when they reach 21 years of age by authorizing the Department of Human Services, at its discretion and by agreement with a state ward, to continue providing support for room, board and related education expenses until that state ward reaches 23 years of age;
2. It directs the Department of Human Services, the Department of Behavioral and Developmental Services and the Department of Education to study and report back to the Legislative Youth Advisory Council on ways to increase participation in school activities by students residing with other than the parent or parents;
3. It directs the Secretary of State and the Department of Human Services to study and report back to the Legislative Youth Advisory Council on barriers that may exist for youth residing in group homes in obtaining driver's licenses and methods to overcome those barriers; and
4. It retains the current funding and staffing responsibilities provided for the Legislative Youth Advisory Council.

P & S 42 An Act To Validate Certain Proceedings Authorizing the Issuance LD 1953
EMERGENCY of Bonds and Notes by the Calais School District

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PERRY A SHOREY	OTP	

Private and Special Law 2003, chapter 42 validates a referendum vote on the Calais High School and Calais Elementary School construction and renovation project conducted on June 24, 2003 and authorizes the Calais

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School District to issue bonds, notes and other evidences of indebtedness in connection with that project. The law is needed to cure a legal defect that could prevent the issuance of additional bonds for the project. The warrant for the 2nd referendum vote on the project was posted 6 days before the referendum rather than 7 days before the referendum vote as required by the Maine Revised Statutes.

Private and Special Law 2003, chapter 42 was enacted as an emergency measure effective April 9, 2004.

P & S 45 An Act To Allow Upgrading of Educational Technicians LD 1944
EMERGENCY

<u>Sponsor(s)</u> GAGNON	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> S-500
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Private and Special Law 2003, chapter 45 extends the time by which school administrative units may request upgrades to higher classifications for persons employed as teacher assistants or as teacher associates before September 1, 1991 who were otherwise eligible for upgrades under the provision of law enacted by Private and Special Law 1995, chapter 35 but who were not recommended for promotions due to an error on the part of a school administrative unit.

Private and Special Law 2003, chapter 45 was enacted as an emergency measure effective April 15, 2004.

Note: Public Law 2003, chapter 688, part J, which enacted LD 1916, (An Act to Make Additional Corrections of Errors and Inconsistencies in the Laws of Maine), corrects Private and Special Law 2003, chapter 45 by clarifying that this extension of time to request upgrades to higher classifications also pertains to persons employed as teacher assistants or as teacher associates before September 1, 1991 who were otherwise eligible for upgrades under the provision of law enacted by Private and Special Law 1995, chapter 35 but who were not recommended for promotions due to an error on the part of a private school approved by the Department of Education.

Public Law 2003, chapter 688, part J, was enacted as an emergency measure effective May 7, 2004.

RESOLVE 112 Resolve, To Ensure That Emergency Medical Help Is Available to LD 177
All School Children

<u>Sponsor(s)</u> ANDREWS	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-723
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Resolve 2003, chapter 112 directs the Department of Education, working together with the school nurse consultant, the School Health Advisory Committee and other appropriate organizations, to review the recommendations of the Cardiopulmonary Resuscitation and Automated External Defibrillators for Maine Schools Workgroup and to design a survey of school administrative units and private schools enrolling more than 60% of their students at public expense in the State regarding the extent to which schools have medical emergency

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response plans in place and have developed emergency response teams comprised of school personnel who hold valid certification in cardiopulmonary resuscitation and whose roles include providing an immediate response to a medical emergency, including a medical emergency resulting from sudden cardiac events.

The law also requires the Department of Education to submit a report, including findings and recommended legislation, by November 3, 2004 for consideration by the joint standing committee of the Legislature having jurisdiction over education matters during the First Regular Session of the 122nd Legislature. The law further authorizes the joint standing committee of the Legislature having jurisdiction over education matters to introduce a bill based on the recommendations of the Department of Education report during the First Regular Session of the 122nd Legislature.

RESOLVE 121 **Resolve, Regarding Portions of Chapter 115: Certification,** **LD 1869**
EMERGENCY **Authorization and Approval of Education Personnel, a Major**
 Substantive Rule of the Department of Education, State Board of
 Education

<u>Sponsor(s)</u>		<u>Committee Report</u>		<u>Amendments Adopted</u>
		OTP		

Resolve 2003, chapter 121 provides for legislative review of portions of Chapter 115: Certification, Authorization and Approval of Education Personnel, a major substantive rule of the Department of Education, State Board of Education.

Resolve 2003, chapter 121 was enacted as an emergency measure effective April 6, 2004.

RESOLVE 128 **Resolve, Regarding Participation in the Federal No Child Left** **LD 1716**
 Behind Act of 2001

<u>Sponsor(s)</u>		<u>Committee Report</u>		<u>Amendments Adopted</u>
BRENNAN		OTP-AM		S-443

Resolve 2003, chapter 128 requires the Department of Education to investigate the costs and benefits of participating in the federal No Child Left Behind Act of 2001. This investigation must focus on the costs and benefits of aligning the federal No Child Left Behind Act of 2001 with Maine's system of learning results and must include a comprehensive analysis of the costs and benefits of participating in the federal No Child Left Behind Act of 2001. The resolve also requires the Department of Education to submit its findings and recommendations from this investigation to the joint standing committee of the Legislature having jurisdiction over education matters by January 15, 2005.

The resolve also prohibits the Department of Education from using state funds to implement the policies mandated by the federal No Child Left Behind Act of 2001 that are not funded by the federal government under the No Child Left Behind Act of 2001, except for state funds necessary to accomplish the following:

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1. The State may accept, administer and distribute federal funds made available to the State under the No Child Left Behind Act of 2001 in accordance with federal law and regulations even if there is a conflict with state statutes and rules;
2. The State may expend state funds for activities that the Department of Education was already conducting consistent with the federal No Child Left Behind Act of 2001, or for activities authorized in the state budgets for fiscal year 2003-04 and fiscal year 2004-05; and
3. The Department of Education may use state funds to conduct the investigation of the costs and benefits of participating in the federal No Child Left Behind Act of 2001 and to submit its report and recommendations to the Legislature as required by this resolve.

RESOLVE 143 *Resolve, To Implement the Recommendations of the Commission* **LD 1915
To Study the Scope and Quality of Citizenship Education**

<u>Sponsor(s)</u>	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-800 S-574 GAGNON
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Resolve 2003, chapter 143 implements the recommendations of the Commission to Study the Scope and Quality of Citizenship Education. The law accomplishes the following:

1. It directs the Department of Education to consider the recommendations of the commission related to implications for the system of learning results when it reviews the guiding principles, the performance standards and the content indicators of the system of learning results, beginning with the 2003-2004 school year;
2. It directs the Legislative Youth Advisory Council to seek outside funding to conduct a series of statewide public forums on issues important to youth and to invite Legislators from the various regions of the State to these public forums; and further requires the Legislative Youth Advisory Council to report its findings and any conclusions to the Governor, the joint standing committee of the Legislature having jurisdiction over education matters, the Judicial Department and the Task Force on Citizenship Education; and
3. It directs the Department of Education and the State Board of Education to jointly convene a Task Force on Citizenship Education to address the recommendations of the Commission.